

REMARKS

Applicant thanks the Examiner for indicating that claim 3 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 3 has been rewritten herein in accordance with the Examiner's suggestions. It is respectfully submitted that the amendments to claim 3 do not add new matter and have adequate support throughout the Specification. Applicant also makes clear that the amendments to claim 3 were not made for purposes of patentability or to avoid prior art. Rather, these amendments were made for the sole purpose of placing allowable subject matter in allowable condition. Accordingly, by making such amendments, Applicant is not intending to narrow the claim and, as such, does not intend to relinquish any scope of equivalents afforded claim 20.

Claim 20 was amended to correct for a minor, non-substantive, antecedent basis error. It is respectfully submitted that the amendments to claim 20 do not add new matter and have adequate support throughout the Specification. Applicant also makes clear that the amendments to claim 20 were not made for purposes of patentability or to avoid prior art. Rather, these amendments were made for the sole purpose of correcting an antecedent basis problem. Accordingly, by making such amendments, Applicant is not narrowing the claim and, as such, does not intend to relinquish any scope of equivalents afforded claim 20. If the Examiner disagrees, Applicant requests that he indicate so in response to this amendment.

Otherwise, Applicant respectfully traverses all claim rejections for the reasons that follow:

I. REJECTIONS OF CLAIMS 20, 1-2, 4-5, 7-15, 18, 21, AND 23-24 UNDER 35 U.S.C. § 103(a)

Claims 20, 1-2, 4-5, 7-15, 18, 21, and 23-24 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,748,536 to Madau (hereinafter "Madau") in view of U.S. Patent No. 6,759,943 to Lucy et al. (hereinafter "Lucy") and in view of U.S. Patent No. 6,700,475 to Geber et al. (hereinafter "Geber"). Respectfully, Applicant traverses.

The Examiner recognizes that the primary reference Madau does not disclose an adjustment apparatus in which "the processing arrangement is configured to automatically set a user preference of the customizable vehicle component . . . as a function of the position of the identification device with respect to the vehicle," as recited in independent claim 1. (Office Action at pg. 3). However, the Examiner asserts that Lucy discloses such a feature and that it would have been obvious to modify the apparatus of Madau to include such a feature.

Lucy is based on Application No. 2002/0118579, which Applicant cited in his Specification's background information. (Specification pg. 1, lines 20-21). Lucy describes a method for automatically setting memory preferences from a remote vehicle entry device. As characterized, the remote memory preference system of Lucy utilizes existing passive or active remote entry devices which may be used to store user preference settings. These settings may then be recalled by the user for setting user preferences. (Lucy; Abstract). As described in Lucy, the memory preferences system automatically sets user preferences when the remote entry device is "in range . . . where identifying data from remote entry device 40 may be electronically received" (Lucy col. 3, line 67 to col. 4, line 7). I.e., if the system detects the signals of the remote entry device, user preferences are set. If the system does not detect the remote entry device, user preferences are not set. Thus,

although “range” of the remote entry device affects whether the system sets user preferences, it does so only by virtue of the system being able to detect the signals when the remote entry device is in range. The system of Lucy performs absolutely no operation based on the range (or position) of the remote entry device with respect to the vehicle.

This is in sharp contrast to the invention of claim 1. Claim 1 recites that the “processing arrangement [be] configured to automatically set a user preference . . . as a function of the position of the identification device with respect to the vehicle.” Thus, unlike Lucy, the processing arrangement of claim 1 takes into account information based on position of the identification device of the vehicle when setting the user preference. Lucy is completely silent on this novel and unobvious feature of claim 1.

The functionality of the Lucy system is also in sharp contrast to the invention of claim 20. Claim 20 recites that the processing arrangement be “configured to automatically set a user preference of the customizable vehicle component . . . as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder.” As described above, the Lucy system immediately sets user preferences when it detects the signals communicated by the remote entry device – an activity which is performed when the remote entry device is within a close enough “range” such that the system can detect the signals. There is absolutely nothing in Lucy which indicates that the system sets preferences based on which of a plurality of receiver circuits receives identification signals, much less based on “which of the receiver circuits receives the identification signals wirelessly communicated by the transponder,” as recited in claim 20.

Any reading of Geber makes clear that this reference fails to cure the critical deficiencies of Madau and Lucy as applied to independent claims 1 and 20. Geber only performs access operations based on proximity or range – i.e., only locking and unlocking of vehicle doors. There is nothing in Geber that discloses the setting of user preferences of customizable vehicle components, much less a processing arrangement configured to set users preferences “**as a function of the position** of the identification device with respect to the vehicle,” as recited in claim 1. Nor is there anything in Geber which sets preferences based on which of a plurality of receiver circuits receives identification signals, much less based on “which of the receiver circuits receives the identification signals wirelessly communicated by the transponder,” as recited in claim 20.

For at least the foregoing reasons, it is respectfully submitted that claims 1 and 20 are allowable over the combination of Madau, Lucy and Geber. Furthermore, since claims 2, 4-5, 7-15, and 18 ultimately depend from claim 1, and since claims 21 and 23-24 ultimately depend from claim 20, it is respectfully submitted that these claims are allowable over Madau, Lucy and Geber for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 20, 1-2, 4-5, 7-15, 18, 21, and 23-24 under 35 U.S.C. §103(a) be withdrawn.

II. REJECTIONS OF CLAIMS 6, 16-17, 19, AND 22 UNDER 35 U.S.C. §103(a)

Claims 6, 19, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy and Geber, and further in view of U.S. Patent No. 6,538,560 to Stobbe et al. (hereinafter “Stobbe”); and claims 16-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy and Geber, and further in view of U.S. Patent No. 5,844,470 to Garnault et al. (hereinafter “Garnault”). Respectfully, Applicant traverses.

As described above, the combination of Madau, Lucy and Geber fails to disclose each and every feature of claims 1 and 20, from which claims 6, 19, and 22 ultimately depend. Furthermore, any reading of Stobbe and Garnault makes clear that these references (either alone or in combination) fail to cure the critical deficiencies of Madau, Lucy and Geber as applied against claims 1 and 20.

For at least the foregoing reasons, it is respectfully submitted that claims 6, 19, and 22 (which ultimately depend from claims 1 and 20) are allowable over the combination of Madau, Lucy, Geber, Stobbe, and Garnault. Accordingly, it is kindly requested that the rejections of claims 6, 16-17, 19, and 22 under 35 U.S.C. §103(a) be withdrawn.

III. CONCLUSION

It is respectfully submitted that all present claims are allowable over the cited prior art. Prompt examination and allowance of the claims is therefore earnestly solicited.

Dated: January 9, 2006

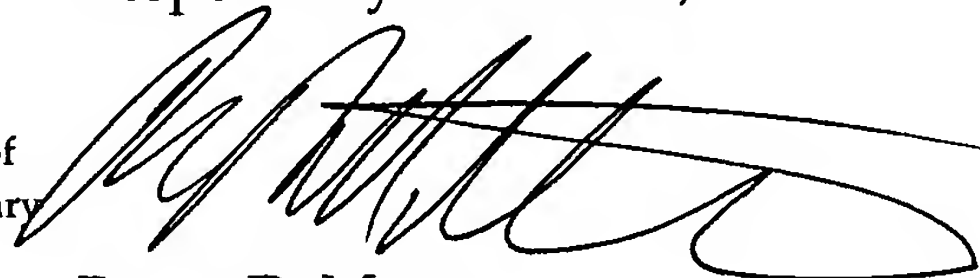
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail # EV 262737096 US in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450, on January 9, 2006

Bryan N. DeMatteo

Date of Signature

January 9, 2006

Respectfully submitted,



Bryan DeMatteo

Reg. #: 51,608

260 West 54th Street

Apt. 24B

New York, NY 10019